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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/891,380

Applicant(s)

AXELSSON ET AL.

Examiner

USHA RAMAN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17, 27, 28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-17, 27, 28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17th, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed September 17th, 2009 have been fully considered but they are not persuasive.

Applicant argues (see Remarks, page 11) that "the main features of the invention disclosed by Ellis are that a user can have notification sent out to his own remote devices. Therefore the receiver of notice is the user himself". Examiner notes that Ellis discloses that any messages transmitted from an interactive programming guide to a remote program guide need not be limited to the user himself. For example, a parent, spouse or another family member may be the person operating the remote programming guide for setting automatic reminders/notification to other members at the interactive program guide [0015]-[0016]. While applicant is arguing the Ellis reference individually when the rejection is based on a combination of references, applicant must keep in mind that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). By considering the Ellis reference individually, applicant ignores the addition of teachings of the Finseth disclosure, such as sharing recommendations of what a second user would find interesting.

Accordingly the modified system comprises the method of transmitting recommendation-reminders of future programs from a first television receiver to a user at a second television receiver.

Applicant further argues (see Remarks, page 11) that, "Ellis's reminders are sent from the system to the user and not from one user directly to another user directly". Both Ellis and Finseth disclose that the reminders/recommendations maybe transmitted directly from a first program guide to a second program guide system (Ellis: "reminders maybe sent...from the interactive television program guide to remote program guide access device", [0086], "depending....its intended destination" [0142]; Finseth: col. 12, lines 51-54). Accordingly such a "direct" transmission is contemplated by the modified system. Applicant further argues with respect to Finseth (see Remarks, page 11) that, "Even though users can share viewing preferences, the user is still not able to send a direct notification to another user". Examiner further notes that while applicant argues on the aspect of transmitting messages from one user to another user directly, the claim languages do not require transmission from one user to another, rather merely requires from a first receiver to the second. Again, applicant argues Finseth in isolation without considering teachings of Ellis, whereby applicant ignores the fact that such

notifications are already taught by Ellis. Accordingly the modified system comprises sending direct notifications from one user to another by allowing a user at a first receiver to transmit recommendation/reminders to a user at a second receiver.

Applicant further argues (see Remarks page 12) that, "If the user is not watching the program, he cannot recommend it to a friend. Recommendations are limited to user's personal preference". Examiner respectfully disagrees. Considering the fact that Ellis already discloses reminder for future programs and that Finseth discloses the step of being able to recommend programs another user **would find interesting** (i.e. future), it would have been within the level of one of ordinary skill in the art to consider such reminders as recommendations, thereby not requiring a user to watch a program in order to create a notification and transmit to other users.

For these reasons discussed above, examiner maintains rejections.

Claim Objections

3. Claim 12 objected to because of the following informalities: applicant is advised to correct the misspelled word "T he" to --The--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 27, 31, 32-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 27, 31, 32-38 recite "computer-readable storage medium", wherein examiner notes that the broadest reasonable interpretation of such a computer readable storage medium includes transitory storage medium such as carrier waves, etc. In light of the broadest reasonable interpretation, such a computer-readable storage medium are directed towards non-statutory subject matter. Examiner advises modifying the claim language to recite a "non-transitory computer-readable storage medium" which would exclude the non-statutory subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5-7, 9-17, 27, 30, 32, and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828).

With regards to claim 1, Ellis discloses an apparatus comprising a first EPG at a first location comprising a user input configured to receive an input selecting a desired program (user selects a program listing using control device, see [0122]) for transmitting as a reminder to a second STB at a remote location (see [0086], [0087]). Ellis additionally discloses such reminders include upcoming program reminders and therefore teaches the step of "selecting a desired program scheduled to be available in the future". See [0007], [0086]. The apparatus further comprises

transmitter (communications device [0060]) for transmitting a notification of a program selected to the second remote apparatus comprising an EPG memory connected to a second receiver (22) prior to the selected program being available ("reminder maybe displayed much earlier", [0086]), wherein the notification is transmitted directly to a remote program guide memory ("reminders maybe sent...from the interactive television program guide to remote program guide access device", [0086], "depending....its intended destination" [0142]). Ellis further discloses the step of transmitting an alert message indicating the selected program forwarded to a mobile handset (see [0059]) and therefore teaches the step of "transmitter also is configured to transmit an alert message indicating notification to be forwarded to a mobile handset" wherein, the message is transmitted directly from a interactive program guide [0086], [0142] via a service provider ("the interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087]). Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], "the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein") and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent that the first device can also receive the broadcast program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38, column 17 lines 59-65. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis. Finseth in particular notes that by sharing recommendations, "not only is a user able to conveniently see what programs of personal interest are scheduled to be aired, but the user is also able to see what programs friends or acquaintances **would find interesting**". As such, Finseth discloses highlighting *future* programs based on user's interest and recommendation from others and therefore discloses transmitting the notification prior to the selected program being available shows that the program guide can highlight *future* shows that would appeal to the user based on the user's interest and based on recommendations from user's friends. Finseth additionally discloses that recommendation data maybe sent from a first receiver to another receiver directly or through third party entities (col. 12, lines 51-54).

In other related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it

was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first terminal can send recommendations of programs they would find interesting to a second user thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

With regards to claim 2, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the communications means is a network modem (see [0057]).

With regard to claim 5, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that transmitter is arranged to transmit the notification as an electronic mail to the remote electronic program guide system (see [0087], [0124]).

With regards to claim 6, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the

notification includes information indicating the program selected from the EPG (see fig. 9, and [0087]).

With regards to claims 7 and 9, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the user can remotely record a program. The modified system therefore comprises a remote notification including recording parameters for the program selected from the electronic program guide.

With regard to claim 10, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regards to claim 11, Ellis is silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Ellis in view of Collins by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

With regard to claim 12, the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Ellis further discloses that reminders

maybe issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]). The transmitting device comprises a transmitter [0060] that enables the communication between the two locations.

With regards to claim 13 the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein Finseth discloses that the EPG system is incorporated into a integrated receiver decoder (see column 4 lines 19-25).

With regards to claim 14 the modified system discloses all the limitations of the apparatus as claimed in claim 1, wherein both the apparatus and the remote device are devices capable of receiving broadcast programs. Ellis further discloses set top box as an exemplary device capable of receiving broadcast programs [0049].

With regards to claim 15 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis further discloses that the EPG system is incorporated into a mobile handset (see [0059]).

With regards to claim 16 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis discloses that the EPG system is incorporated into a television receiver (see [0049])

With regards to claim 17 the modified system discloses all the limitations of the apparatus as claimed in claim 1, Ellis discloses that the EPG system is incorporated into a mobile display appliance (see [0059]).

With regards to claim 27, Ellis discloses that steps of:

Generate an EPG comprising information regarding program to be received, wherein the EPG allows the identification of a program of interest (obtain program listings, [0120], display listings [0078]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], [0086]);

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Transmitting the notification of the program selected from the EPG system to at least one remote EPG memory (such as a STB see [0070], "the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein", wherein the notification is transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]) prior to the selected program being available (reminders include upcoming program reminders, see [0007], [0086]), wherein the notification is transmitted directly to a remote program guide memory ("reminders maybe sent...from the interactive television program guide to remote program guide access device", [0086], "depending....its intended destination" [0142]); and

Transmitting an alert message (email message) indicating the notification of the program selected to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]), wherein the message is transmitted directly from a interactive program guide [0086], [0142] via a service provider ("the

interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087]).

Ellis is silent a first receiver that can receive broadcast program in communication with the EPG. Additionally, while Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another by sharing program guide recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis. Finseth additionally discloses that recommendation data maybe sent from a first receiver to another receiver directly or through third party entities (col. 12, lines 51-54).

In other related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to a service provider, SMS server (SMS 235), and subsequently forward it as a SMS message to a mobile handset (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email

messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first STB can send recommendations of programs they would find interesting to a second user at a second STB thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

With regards to claim 30, Ellis discloses an apparatus receiving a first EPG at an EPG memory (e.g. receiving EPG at computer);

A user input configured to receive an input selecting a desired program (user selects a program listing using control device, see [0122]) for transmitting as a reminder to a second STB at a remote location (see [0086], [0087]). Ellis additionally discloses such reminders include upcoming program reminders and therefore teaches the step of "selecting a desired program scheduled to be available in the future". See [0007], [0086].

A transmitter (communications device [0060]) configured to access a communications network and further being configured to transmit a notification of the program selected to the second remote apparatus comprising an EPG memory connected to a second receiver (22) prior to the selected program being available ("reminder maybe displayed much earlier", [0086]), wherein the notification is transmitted directly to a remote program guide memory ("reminders maybe sent...from the interactive television program guide to remote program guide access device", [0086], "depending....its intended destination" [0142]).

Ellis further discloses the step of transmitting an alert message indicating the selected program forwarded to a mobile handset (see [0059]) and therefore teaches the step of "transmitter also is configured to transmit an alert message indicating notification to be forwarded to a mobile handset".

Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], "the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein") and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent that the first device can also receive the broadcast program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38, column 17 lines 59-65. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis. Finseth in particular notes that by sharing recommendations, "not only is a user able to conveniently see what programs of personal interest are scheduled to be aired, but the user is also able to see what programs friends or acquaintances **would find interesting**". As such, Finseth discloses highlighting *future* programs based on user's interest and recommendation from others and therefore discloses transmitting the notification prior to the selected program being available shows that the program guide can highlight *future* shows that would appeal to the user based on the user's interest and based on recommendations from user's friends.

In a further related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth so that a user from a first terminal can send recommendations of programs they would find interesting to a second user thereby allowing friends or acquaintances to highlight programs to each other. It would be obvious to further modify the system in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

All the limitations of claim 32 are anticipated by limitations of claims 1 and 30. Claim 32 is therefore analyzed as claims 1 and 30 above. With further regard to claim 32, Ellis further notes that the notification is transmitted directly from a first receiver to a service provider ("the interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087])

With regard to claim 38, the modified system discloses all the limitations of the apparatus as claimed in claim 32, wherein Ellis further discloses that reminders maybe issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]).

8. Claims 3, 8, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828) and Haken (US PG Pub. 2004/0008972).

With regard to claims 3, and 33 the combination of Ellis in view of Finseth and Collins teaches all the elements of claims 1 and 31 respectively. The combination fails to teach an authorization means for determining if a notification received originated within an authorization remote electronic program guide system as recited in claim 3.

In a similar filed of endeavor, Haken teaches including an authorization means (i.e. comparing recommendations for flagged user names) or for determining if a notification received originated within an authorized remote electronic program guide system. See Haken: [0032], [0034].

It would have been obvious to one of ordinary skill in the art can to further modify the system in view of Haken by utilizing the authorization means to determine whether monitor remote notifications to filter out inappropriate reminders sent from un trusted sources and keeping notifications sent from reliable or trusted sources.

With regards to claims 8 and 35, the modified system discloses all the limitations of the apparatus as claimed in claims 3 and 33 respectively, wherein once a source of the notification has been deemed reliable, then it would be obvious to further authorize the recording of the program so that the user can view it at a later time.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828).

With regards to claim 28, Ellis discloses that steps of:

Providing an EPG for identification of a program of interest (obtain program listings, [0120]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], see [0086];

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Obtaining transmission of the notification of the program selected from the EPG to at least one remote EPG system (reminder maybe scheduled by a user with a local guide, transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]) prior to the selected program being available (reminders include upcoming program reminders, see [0007], [0086]), wherein the notification is transmitted directly to a remote program guide memory ("reminders maybe sent...from the interactive television program guide to remote program guide access device", [0086], "depending....its intended destination" [0142]); and

Obtaining transmission of an alert message (email message) indicating the notification to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]), wherein, the message is transmitted directly from

a interactive program guide [0086], [0142] via a service provider ("the interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087]).

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on the step of transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a further related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would been obvious to further modify the system of Ellis in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that

users can receive such notifications over handset devices when they are not around their television sets.

10. Claim 31, 34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775), Collins et al. (US Pat. 6,424,828)

With regards to claim 31, Ellis discloses a method of receiving a notification of a program scheduled to be available in the future ("reminder maybe displayed much earlier", [0086]) selected from the EPG in a remote EPG system (reminder sent to the user via an alphanumeric pager; see [0124], see [0086]) directly from a first receiver ("the interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087]). Ellis discloses that the user may send remote notifications from a remote program guide on a computer to a STB but fails to disclose the step of the first device being a receiver receiving the selected program. Furthermore, while Ellis discloses that reminder notifications maybe sent via alphanumeric pagers [0124], Elis is silent receiving the notification via SMS.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis.

In a further related field, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art to modify the system of Ellis in view of Finseth and Collins by allowing the user of a first receiver to send a reminder/recommendation notification of a future scheduled program that the first user finds interesting to a second user, wherein such notifications maybe received by the second terminal via SMS.

With regard to claim 34, the modified system discloses all the limitations of the apparatus as claimed in claim 31, wherein the modified system further receives the notification as an email. See Ellis: [0087] and [0124]).

With regards to claim 36, the modified system discloses all the limitations of the apparatus as claimed in claim 31, wherein the recording instructions

(commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regards to claim 37, the modified system discloses all the limitations of the apparatus as claimed in claim 36. The modified system is however silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKissick et al. (US PG Pub. 2006/0190966) discloses a method of transmitting recommendation messages from one television receiver to another [0086], [0099].
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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